

AMENDED IN ASSEMBLY MARCH 31, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 523

Introduced by Assembly Member Lempert

February 24, 1997

An act to add Article 8.5 (commencing with Section 2168) to Chapter 5 of Division 2 of the Business and Professions Code, relating to medicine, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 523, as amended, Lempert. Physicians and surgeons: special faculty permits.

Existing law provides for the licensure and regulation of physicians and surgeons by the Medical Board of California, and prohibits the practice of medicine, as defined, without a license issued by the board. Existing law authorizes the Division of Licensing of the board to grant a certificate of registration to engage, to a limited extent, in the practice of medicine to a person who does not immediately qualify for a physician's and surgeon's certificate, who is offered a full-time faculty position in an approved medical school, and who meets other requirements. Existing law restricts the certificate holder to practicing medicine only to the extent the practice is incident to and a necessary part of his or her duties in connection with the faculty position.

This bill would authorize any person who meets certain eligibility requirements to apply for a special faculty permit

that would authorize the holder to practice medicine, without a physician and surgeon's license issued by the board, within the medical school itself and certain affiliated institutions. It would authorize the permit holder, after the first renewal of the permit, to hold a part-time faculty position that otherwise meets the requirements that would be imposed by the bill. The bill would also establish procedures for application for, and renewal of, the permit, and the grounds for denial or discipline. The bill would also require fees to be imposed for permit holders and would provide for the deposit of those fees in the Contingent Fund of the Medical Board of California.

By increasing the source of money to be deposited to a continuously appropriated fund, this bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 8.5 (commencing with Section
2 2168) is added to Chapter 5 of Division 2 of the Business
3 and Professions Code, to read:

4
5 Article 8.5. Special Permits
6

7 2168. (a) A special faculty permit authorizes the
8 holder to practice medicine only within the medical
9 school itself and any affiliated institution in which the
10 permit holder is providing instruction as part of the
11 medical school's educational program and for which the
12 medical school has assumed direct responsibility. The
13 holder of a special faculty permit shall not engage in the
14 practice of medicine except as provided above.

15 (b) Time spent in a faculty position under a special
16 faculty permit shall not be counted toward the
17 postgraduate training required for licensure and shall not
18 qualify the holder of the permit for waiver of any written
19 examination required for licensure.



1 2168.1. (a) Any person who meets all of the following
2 eligibility requirements may apply for a special faculty
3 permit:

4 (1) Is academically eminent. For purposes of this
5 article, “academically eminent” means the applicant
6 holds or has been offered a full-time appointment at the
7 level of full professor in a tenure track position or its
8 equivalent, at a California medical school approved by
9 the Division of Licensing.

10 (2) Possesses a current valid license to practice
11 medicine issued by another state, country, or other
12 jurisdiction.

13 (3) Is not subject to denial under Section 480 or any
14 provision of this chapter.

15 (4) Pays the fee prescribed for application for, and
16 initial licensure as, a physician and surgeon.

17 (5) Has not held a position under Section 2113 ~~during~~
18 ~~the two years~~ *for a period of two years or more* preceding
19 the date of the application. The Division of Licensing
20 may, in its discretion, waive this requirement.

21 (b) The Division of Licensing shall exercise its
22 discretion in determining whether an applicant qualifies
23 as academically eminent.

24 2168.2. (a) An application for a special faculty permit
25 shall be made on a form prescribed by the Division of
26 Licensing and shall include any information that the
27 Division of Licensing may prescribe to establish an
28 applicant’s eligibility for a permit. This information shall
29 include, but is not limited to, the following:

30 (1) A statement from the dean of the medical school
31 at which the applicant will be employed describing the
32 applicant’s qualifications and justifying the dean’s
33 determination that the applicant is academically
34 eminent.

35 (2) A statement by the dean of the medical school
36 listing every affiliated institution in which the applicant
37 will be providing instruction as part of the medical
38 school’s educational program and justifying any clinical
39 activities at each of the institutions listed by the dean.

(b) The Division of Licensing may, in its discretion, require an applicant for a special faculty permit to successfully complete an oral examination.

2168.3. A special faculty permit may be denied, suspended, or revoked for any violation that would be grounds for denial, suspension, or revocation of a physician and surgeon's certificate, or for violation of any provision of this article. The holder of a special faculty permit shall be subject to all the provisions of this chapter applicable to the holder of a physician and surgeon's certificate.

2168.4. (a) A special faculty permit expires and becomes invalid at midnight on the last day of the permit holder's birth month during the second year of a two-year term, if not renewed.

(b) A person who holds a special faculty permit shall show at the time of license renewal that he or she continues to meet the eligibility criteria set forth in Section 2168.1. After the first renewal of a special faculty permit, the permit holder shall not be required to hold a full-time faculty position, and may instead be employed part-time in a position that otherwise meets the requirements set forth in paragraph (1) of subdivision (a) of Section 2168.1.

(c) In addition to the requirements set forth above, a special faculty permit shall be renewed in accordance with Article 19 (commencing with Section 2420) in the same manner as a physician and surgeon's certificate.

(d) Those fees applicable to a physician and surgeon's certificate shall also apply to a special faculty permit and shall be paid into the State Treasury and credited to the Contingent Fund of the Medical Board of California.